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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 77107-38

13 **RAMZEY'S AUTO BODY & PAINT**

1047 N. Maple

14 Fresno, California 93702

ROJAS R. RAMZEY, OWNER

15 Automotive Repair Dealer Registration

No. AJ 223732

A C C U S A T I O N

16 Respondent.

17
18 Sherry Mehl ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

22 **Automotive Repair Dealer Registration**

23 2. On or about September 19, 2002, the Bureau issued Automotive Repair
24 Dealer Registration Number AJ 223732 ("registration") to Rojas R. Ramzey ("Respondent"),
25 doing business as Ramzey's Auto Body & Paint. The registration expired on September 30,
26 2007.

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1 each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall
2 clearly state that fact. If a part of a component system is composed of new and
3 used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The
4 invoice shall include a statement indicating whether any crash parts are original
equipment manufacturer crash parts or nonoriginal equipment manufacturer
aftermarket crash parts. One copy of the invoice shall be given to the customer
and one copy shall be retained by the automotive repair dealer.

5 5. Code section 9884.9 states, in pertinent part:

6 (a) The automotive repair dealer shall give to the customer a written
7 estimated price for labor and parts necessary for a specific job. No work shall be
8 done and no charges shall accrue before authorization to proceed is obtained from
9 the customer. No charge shall be made for work done or parts supplied in excess
10 of the estimated price without the oral or written consent of the customer that
11 shall be obtained at some time after it is determined that the estimated price is
12 insufficient and before the work not estimated is done or the parts not estimated
13 are supplied. Written consent or authorization for an increase in the original
14 estimated price may be provided by electronic mail or facsimile transmission from
the customer. The bureau may specify in regulation the procedures to be followed
by an automotive repair dealer if an authorization or consent for an increase in the
original estimated price is provided by electronic mail or facsimile transmission.
If that consent is oral, the dealer shall make a notation on the work order of the
date, time, name of person authorizing the additional repairs and telephone
number called, if any, together with a specification of the additional parts and
labor and the total additional cost, and shall do either of the following:

15 (1) Make a notation on the invoice of the same facts set forth in the
notation on the work order.

16 (2) Upon completion of the repairs, obtain the customer's signature or
17 initials to an acknowledgment of notice and consent, if there is an oral consent of
the customer to additional repairs, in the following language:

18 "I acknowledge notice and oral approval of an increase in the original estimated
19 price.

20 _____
(signature or initials)"

21 Nothing in this section shall be construed as requiring an automotive
22 repair dealer to give a written estimated price if the dealer does not agree to
perform the requested repair.

23 6. Code section 9884.13 provides, in pertinent part, that the expiration of a
24 valid registration shall not deprive the director or chief of jurisdiction to proceed with a
25 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a
26 registration temporarily or permanently.

27 7. Code section 477 provides, in pertinent part, that "Board" includes
28 "bureau," "commission," "committee," "department," "division," "examining committee,"

1 "program," and "agency." "License" includes certificate, registration or other means to engage
2 in a business or profession regulated by the Code.

3 **COST RECOVERY**

4 8. Code section 125.3 provides, in pertinent part, that a Board may request
5 the administrative law judge to direct a licentiate found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 **CONSUMER COMPLAINT (SCOTT) - 1970 CHEVROLET EL CAMINO**

9 9. On or about February 16, 2006, the Bureau received a Consumer
10 Complaint from William Scott ("consumer") regarding repairs to his 1970 Chevrolet El Camino,
11 California License Plate No. 47148G, performed by Respondent on or about May 11, 2005.
12 Encompass/Hagarty Insurance Company ("EHIC"), paid Respondent \$10,876.97 for the repairs.
13 The consumer was not satisfied with the repair work performed by Respondent and took the
14 vehicle to Robinson's Auto Body Shop. That facility provided the consumer with an estimate of
15 \$8,177.35 to rework the vehicle. On or about February 24, 2006, the Bureau inspected the
16 consumer's vehicle. The inspection revealed that Respondent charged the consumer and/or
17 EHIC \$1,509.31 for parts and labor that Respondent failed to provide, as follows:

- 18 a. Respondent failed to refinish the radiator support panel.
19 b. Respondent failed to remove and replace the coolant recovery tank.
20 c. Respondent failed to remove and replace the left and right engine mount.
21 d. Respondent failed to remove and install the left and right engine mount
22 brackets.
23 e. Respondent failed to remove and install the right front belt moulding.
24 f. Respondent failed to repair the front sag frame.
25 g. Respondent failed to repair the buckle in the front frame.
26 h. Respondent failed to repair the mash in the front frame.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 10. Respondent is subject to discipline under Code section 9884.7, subdivision
4 (a)(1), in that on or about May 11, 2005, Respondent made statements which he knew or which
5 by exercise of reasonable care he should have known were untrue or misleading. Respondent
6 falsely represented to the consumer and EHIC on Estimate Number 1517 that the consumer's
7 vehicle had been repaired pursuant to the insurance estimate. In fact, Respondent failed to
8 perform services and/or repairs, as more particularly set forth in paragraph 9, subparagraphs a
9 through h, above.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Fraudulent Acts)**

12 11. Respondent is subject to discipline under Code section 9884.7, subdivision
13 (a)(4), in that on or about May 11, 2005, Respondent committed acts which constitute fraud by
14 accepting payment from the consumer and EHIC to repair the consumer's vehicle pursuant to the
15 insurance estimate when, in fact, Respondent failed to perform services and/or repairs, as more
16 particularly set forth in paragraph 9, subparagraphs a through h, above.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Failure to Set Forth Current Odometer Reading on a Signed Document)**

19 12. Respondent is subject to discipline under Code section 9884.7, subdivision
20 (a)(2), in that on or about May 11, 2005, Respondent provided the consumer with Estimate
21 Number 1517, which did not set forth the vehicle's current odometer reading.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with the Automotive Repair Act)**

24 13. Respondent is subject to discipline under Code section 9884.7, subdivision
25 (a)(6), in that on or about May 11, 2005, Respondent failed to materially comply with sections of
26 that Code, as follows:

27 a. **Section 9884.8:** Respondent failed to provide the consumer with a final
28 invoice.

1 b. Section 9884.9, subdivision (a)

2 i. Respondent failed to provide the consumer with a written
3 estimated price for services performed and parts provided for a specific job prior to
4 commencement of repairs.

5 ii. Respondent failed to obtain the consumer's authorization to change
6 the method of repairs.

7 CONSUMER COMPLAINT (HOSTON) - 2002 NISSAN ALTIMA

8 14. On or about June 14, 2006, the Bureau received a Consumer Complaint
9 from Jarreau Hoston ("consumer"), regarding repairs to his 2002 Nissan Altima, California
10 License Plate No. 4WWK922, performed by Respondent on or about May 12, 2006. The
11 consumer paid Respondent \$6,794.39, which consisted of insurance proceeds and a portion of the
12 consumer's deductible for the repairs. Coast National Insurance Company ("CNIC") paid
13 Respondent \$89.80 for supplemental repairs. Respondent provided the consumer with Invoice
14 Number 1822. The consumer was not satisfied with the repair work performed by Respondent
15 and contacted the Bureau. On or about July 18, 2006, the consumer took the vehicle to
16 Schmidt's Auto Body Shop and met with the Bureau. The Bureau inspected and photographed
17 the vehicle using CNIC's Estimate Number 20060003612443107100. That inspection revealed
18 that Respondent charged the consumer and CNIC \$3,250.51 for parts and labor that Respondent
19 failed to provide, as follows:

20 a. Respondent failed remove and replace the rear bumper absorber.

21 b. Respondent removed and replaced the rear impact bar with an aftermarket
22 part instead of a new Original Manufacturer Equipment ("OEM") part.

23 c. Respondent repaired the rear body panel instead of replacing it.

24 d. Respondent repaired the left quarter panel instead of replacing it.

25 e. Respondent repaired the left corner panel instead of replacing it.

26 f. Respondent repaired the right corner panel instead of replacing it.

27 g. Respondent failed to remove and install the left door belt moulding.

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- 1 h. Respondent removed and replaced the front bumper cover with an
2 aftermarket part instead of an OEM part.
- 3 i. Respondent failed to remove and replace the front license plate bracket.
- 4 j. Respondent failed to remove and replace the hood lock.
- 5 k. Respondent failed to remove and replace the under hood labels.
- 6 l. Respondent failed to remove and install the left front fender liner.
- 7 m. Respondent failed to remove and replace the air conditioner condenser.
- 8 n. Respondent failed to evacuate the air conditioning system.
- 9 o. Respondent failed to recharge the air conditioning system.
- 10 p. Respondent failed to remove and install the vehicle's back glass.
- 11 q. Respondent failed to restore corrosion protection.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 15. Respondent is subject to discipline under Code section 9884.7, subdivision
15 (a)(1), in that on or about May 12, 2006, Respondent made statements which he knew or which
16 by exercise of reasonable care he should have known were untrue or misleading. Respondent
17 falsely represented to the consumer and CNIC on Repair Order Number 1822 that the consumer's
18 vehicle had been repaired pursuant to the insurance estimate. In fact, Respondent failed to
19 perform services and/or repairs, as more particularly set forth in paragraph 14, subparagraphs a
20 through q, above.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Fraudulent Acts)**

23 16. Respondent is subject to discipline under Code section 9884.7, subdivision
24 (a)(4), in that on or about June 1, 2006 and June 23, 2006, Respondent committed acts which
25 constitute fraud by accepting payment from the consumer and CNIC to repair the consumer's
26 vehicle pursuant to the insurance estimate when, in fact, Respondent failed to perform services
27 and/or repairs, as more particularly set forth in paragraph 14, subparagraphs a through q, above.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Set Forth Current Odometer Reading on a Signed Document)**

3 17. Respondent is subject to discipline under Code section 9884.7, subdivision
4 (a)(2), in that on or about May 12, 2006, Respondent provided the consumer with Repair Order
5 Number 1822, which did not set forth the vehicle's current odometer reading.

6 **EIGHTH CAUSE FOR DISCIPLINE**

7 **(Departure From Trade Standards)**

8 18. Respondent's registration is subject to discipline under Code section
9 9884.7, subdivision (a)(7), in that on or about May 12, 2006, Respondent willfully departed from
10 or disregarded accepted trade standards for good and workmanlike repair by failing to materially
11 comply with section 3365, subdivision (b) of California Code of Regulations, title 16.
12 Respondent failed to apply corrosion protection to the welds on the left rear quarter panel.

13 **NINTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with the Automotive Repair Act)**

15 19. Respondent is subject to discipline under Code section 9884.7, subdivision
16 (a)(6), in that on or about May 14, 2006, Respondent failed to materially comply with sections of
17 that Code, as follows:

18 a. **Section 9884.8:** Respondent failed to provide the consumer with an
19 invoice, which described all service work performed and parts supplied.

20 b. **Section 9884.9, subdivision (a)**

21 i. Respondent failed to provide the consumer with a written
22 estimated price for parts and labor for a specific job prior to commencement of repairs.

23 ii. Respondent failed to obtain the consumer's authorization to change
24 the method of repairs.

25 **UNDERCOVER OPERATION - AUGUST 31, 2006**

26 20. On or about August 31, 2006, a Bureau undercover operator using the alias
27 Kenneth Walker ("operator") drove a Bureau-documented 1998 GMC Yukon, California License
28 Plate Number 5BKA637, to Respondent's facility for collision repairs. The operator spoke with

1 Respondent and provided him with California State Automobile Association ("CSAA") Estimate
2 Number 02-AM11145. The operator told Respondent that he wanted the repairs performed
3 pursuant to the CSAA estimate. Respondent prepared Repair Order Number 1909. The operator
4 signed the repair order and was provided with a copy of the document; however, the document
5 did not contain the vehicle's current odometer reading.

6 21. On or about September 11, 2006, the operator contacted Respondent to
7 inquire about the repairs. Respondent informed the operator that he had been in contact with
8 CSAA and had received approval to replace the left rear door hinges. Further, Respondent told
9 the operator that CSAA also approved repairing the left rear quarter panel instead of replacing it.
10 However, CSAA never authorized Respondent to repair the left rear quarter panel.

11 22. On or about September 15, 2006, the operator returned to Respondent's
12 facility to retrieve the vehicle. The operator paid Respondent a \$500 deductible. The operator
13 initialed a copy of Repair Order Number 1909; however, he was not provided with a final
14 invoice. CSAA paid Respondent \$3,011.07 for the repairs, including the supplemental repairs.

15 23. On or about September 27, 2006, the Bureau began reinspecting the
16 vehicle. That reinspection revealed that Respondent charged the operator and CSAA \$1,288.04
17 for parts and labor that Respondent failed to provide, as follows:

- 18 a. Respondent failed to remove and replace the left quarter outer panel.
- 19 b. Respondent failed to remove and replace the left quarter nameplate.
- 20 c. Respondent failed to remove and replace the left rear combination lamp.

21 **TENTH CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements)**

23 24. Respondent is subject to discipline under Code section 9884.7, subdivision
24 (a)(1), in that on or about August 31, 2006, Respondent made statements which he knew or
25 which by exercise of reasonable care he should have known were untrue or misleading.

26 Respondent falsely represented to the operator and CSAA on Repair Order Number 1909 that the
27 operator's vehicle had been repaired pursuant to the insurance estimate. In fact, Respondent

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1 failed to perform services and/or repairs, as more particularly set forth in paragraph 23,
2 subparagraphs a through c, above.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

4 **(Fraudulent Acts)**

5 25. Respondent is subject to discipline under Code section 9884.7, subdivision
6 (a)(4), in that on or about August 31, 2006, Respondent committed acts which constitute fraud by
7 accepting payment from the operator and CSAA to repair the operator's vehicle pursuant to the
8 insurance estimate. In fact, Respondent failed to perform services and/or repairs, as more
9 particularly set forth in paragraph 23, subparagraphs a through c, above.

10 **TWELFTH CAUSE FOR DISCIPLINE**

11 **(Failure to Set Forth Current Odometer Reading on a Signed Document)**

12 26. Respondent is subject to discipline under Code section 9884.7, subdivision
13 (a)(2), in that on or about August 31, 2006, Respondent provided the consumer with Repair
14 Order Number 1909, which did not set forth the vehicle's current odometer reading.

15 **THIRTEENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with the Automotive Repair Act)**

17 27. Respondent is subject to discipline under Code section 9884.7, subdivision
18 (a)(6), in that on or about August 31, 2006, Respondent failed to materially comply with section
19 9884.8 of that Code by failing to provide the consumer with an invoice that described all service
20 work performed and parts supplied.

21 **OTHER MATTERS**

22 28. Under Code section 9884.7, subdivision (c), the director may invalidate
23 temporarily or permanently or refuse to validate, the registrations for all places of business
24 operated in this state by Rojas R. Ramzey, doing business as Ramzeys Auto Body & Painting,
25 upon a finding that he has, or is, engaged in a course of repeated and willful violations of the
26 laws and regulations pertaining to an automotive repair dealer.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

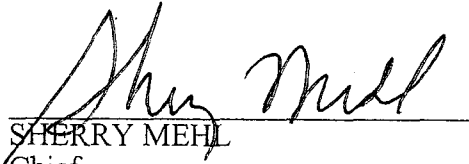
4 1. Temporarily or permanently invalidating Automotive Repair Dealer
5 Registration Number AJ 223732, issued to Rojas R. Ramzey, doing business as Ramzey's Auto
6 Body & Paint;

7 2. Temporarily or permanently invaliding any other automotive repair dealer
8 registration issued to Rojas R. Ramzey, doing business as Ramzey's Auto Body & Paint;

9 3. Ordering Rojas R. Ramzey to pay the Bureau of Automotive Repair the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
11 125.3; and,

12 4. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 2/22/06

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16 
17 SHERRY MEHL

18 Chief
19 Bureau of Automotive Repair
20 Department of Consumer Affairs
21 State of California
22 Complainant
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